

CHAPTER 7 RULES

[Prior to 5/18/88, Dental Examiners, Board of[320]]

650—7.1(153) Petition for rule making.

7.1(1) An interested person may petition the board for the adoption, amendment or repeal of administrative rules.

7.1(2) The petition shall be in writing, signed by or on behalf of the petitioner, and contain the following information:

a. A general statement of the rule the petitioner is requesting the board to adopt, amend, or repeal. Where amendment or repeal of an existing rule is sought, the rule number should be included but is not required. The petitioner is not required to enclose a draft of the proposed rule or proposed amendment being requested.

b. A statement of sufficient detail setting forth reasons for adoption, amendment, or repeal.

c. A statement showing how the petitioner would be affected by the requested action.

d. Name and address of petitioner.

7.1(3) The petition is filed when it is received by the board.

7.1(4) Upon receipt of the petition, the board shall take the petition under advisement. The board may request additional information from the petitioner or the board office.

7.1(5) If the petition raises an issue regarding the practice of dental hygiene, the petition shall be referred to the dental hygiene committee for review. The dental hygiene committee shall review the petition and timely submit its recommendations to the board. The board's review of the dental hygiene committee recommendation is subject to 650—Chapter 5.

7.1(6) The board shall deny the petition or initiate rule-making procedures within 60 days after filing of the petition. In the case of a denial, the board shall state in writing its reasons for the denial. The petitioner shall be notified by mail of the board action taken.

This rule is intended to implement Iowa Code sections 17A.3(1) and 17A.7.

650—7.2(153) Oral presentations for rule making.

7.2(1) Oral presentations may be made to the board when requested in writing not later than 20 days after notice of intended action is published in the Iowa Administrative Bulletin, by five interested persons, a governmental subdivision, the administrative rules review committee, an agency, or an association having not less than 25 members or upon discretion of the board.

7.2(2) The board shall give the public not less than 20 days' notice of the time and place where oral presentations may be made.

7.2(3) Persons wishing to speak shall notify the board prior to start of the oral presentations.

7.2(4) Oral presentations may be limited to ten minutes at the discretion of the board.

This rule is intended to implement Iowa Code sections 17A.3(1) and 17A.4(1).

650—7.3(153) Declaratory rulings.

7.3(1) Any interested person or agency affected by any statutory provision administered by the board, rule, or other written statement of law or policy, decision or order of the board may file a petition for a declaratory ruling as to the applicability of such statutory provision, rule or other written statement of law or policy, decision or order to that person or agency.

7.3(2) The petition shall be typewritten, signed and dated and shall contain, in the following order:

a. Statement that it is a petition for a declaratory ruling.

b. Name, address, telephone number and official title, if any, of the petitioner.

c. Clear statement of the question or questions upon which the petitioner requests a declaratory ruling.

d. Detailed statement of facts upon which petitioner requests the board to issue its declaratory ruling.

e. Identification of the statute, rule, policy statement, decision or order for which petitioner seeks a declaratory ruling.

f. The particular words, passages, sentences or paragraphs of the statutes, rules, policy statements, decisions or orders which are the subject of inquiry.

g. The nature of petitioner's interest in the subject matter, including whether the petition is on behalf of a corporation, partnership, organization or the like.

h. Any other supporting information, statements or facts.

7.3(3) The petition shall be deemed filed when received by the board. Receipt shall be acknowledged within 20 days after filing.

7.3(4) The board may return petitions not prepared in reasonable compliance with these rules.

7.3(5) The board shall issue a declaratory ruling or denial thereof within 60 days after the filing of the petition. The board may grant a request for an earlier disposition upon a showing of circumstances requiring the same.

7.3(6) The board may decline to issue a declaratory ruling in whole or in part and shall so notify the petitioner in writing, stating the reasons therefor.

7.3(7) Declaratory rulings issued by the board shall be in writing and mailed to the petitioner.

This rule is intended to implement Iowa Code sections 17A.3(1) and 17A.9.

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